

ORDINANCE NO. 941103- K

AN ORDINANCE ORDERING A REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 13-2 OF THE AUSTIN CITY CODE OF 1992 AS FOLLOWS:

TRACT 1: 16.58 ACRE TRACT OF LAND OUT OF THE FRANCISCO GARCIA SURVEY, FROM "LO" LIMITED OFFICE DISTRICT TO "MF-2-CO" MULTIFAMILY RESIDENCE (LOW DENSITY) DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT; AND,

TRACT 2A: 10.31 ACRE TRACT OF LAND OUT OF THE FRANCISCO GARCIA SURVEY, FROM "LO" LIMITED OFFICE DISTRICT TO "MF-3-CO" MULTIFAMILY RESIDENCE (MEDIUM DENSITY) DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT; AND,

TRACT 2B: 2.36 ACRE TRACT OF LAND OUT OF THE FRANCISCO GARCIA SURVEY, FROM "LR" NEIGHBORHOOD COMMERCIAL DISTRICT TO "MF-3-CO" MULTIFAMILY RESIDENCE (MEDIUM DENSITY) DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT,

LOCALLY KNOWN AS THE PROPERTY IDENTIFIED ON THE MAP ATTACHED AND INCORPORATED INTO THIS ORDINANCE AS "EXHIBIT A," IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; WAIVING THE REQUIREMENTS OF SECTION 2-2-3 OF THE AUSTIN CITY CODE OF 1992; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. That Chapter 13-2 of the Austin City Code of 1992 is amended to change the respective base zoning districts and to establish a Conditional Overlay combining district on all of the property described in File C14-94-0056, as follows:

Tract 1: From "LO" Limited Office district to "MF-2-CO" Multifamily Residence (Low Density) district-Conditional Overlay combining district.

16.58 acre tract of land out of the Francisco Garcia Survey, said 16.58 acre tract of land being more particularly described by metes and bounds in "Exhibit B" attached and incorporated herein for all purposes.

Tract 2A: From "LO" Limited Office district to "MF-3-CO" Multifamily Residence (Medium Density) district-Conditional Overlay combining district.

10.31 acre tract of land out of the Francisco Garcia Survey, said 10.31 acre tract of land being more particularly described by metes and bounds in "Exhibit C" attached and incorporated herein for all purposes.

Tract 2B: From "LR" Neighborhood Commercial district to "MF-3-CO" Multifamily Residence (Medium Density) district-Conditional Overlay combining district.

2.36 acre tract of land out of the Francisco Garcia Survey, said 2.36 acre tract of land being more particularly described by metes and bounds in "Exhibit D" attached and incorporated herein for all purposes.

[hereinafter referred to collectively as the "Property"]

locally known as the property identified on the map attached and incorporated into this ordinance as "Exhibit A," in the City of Austin, Travis County, Texas.

PART 2. That the Property within the boundaries of the Conditional Overlay combining district established by this ordinance is subject to the following conditions:

1. Multifamily development on Tract 1 shall not exceed 280 dwelling units.
2. Multifamily development on the combined Tracts 2A and 2B shall not exceed 220 dwelling units.
3. No Multifamily development or portion thereof shall be constructed or maintained within 50 feet of the southern property line of Tract 1. Any structure, or portion thereof, constructed on Tract 1 and situated along said 50 foot setback line shall not exceed a height greater than 38 feet above ground level on Tract 1.
4. Except for the sole purpose of providing emergency vehicular access to the Property from the proposed Winwick Way, there will be no vehicular access to the Property from the proposed Winwick Way [proposed Winwick Way being more particularly identified in the map attached as "Exhibit A" to this ordinance]. All vehicular access to the Property shall be from other adjacent public streets or through other adjacent property.

Except as specifically restricted by this ordinance, the property may be developed and used in accordance with regulations established for the respective base districts and other applicable requirements of the Land Development Code.

PART 3. That it is ordered that the Zoning Map established by Sec. 13-2-22 of the Austin City Code of 1992 and made a part thereof shall be changed to record the amendment enacted by this ordinance.

PART 4. That the requirements imposed by Section 2-2-3 of the Austin City Code of 1992, as amended, regarding the presentation and adoption of ordinances are hereby waived by the affirmative vote of at least five members of the City Council.

PART 5. That this ordinance shall become effective upon the expiration of ten days following the date of its final passage, as provided by the Charter of the City of Austin.

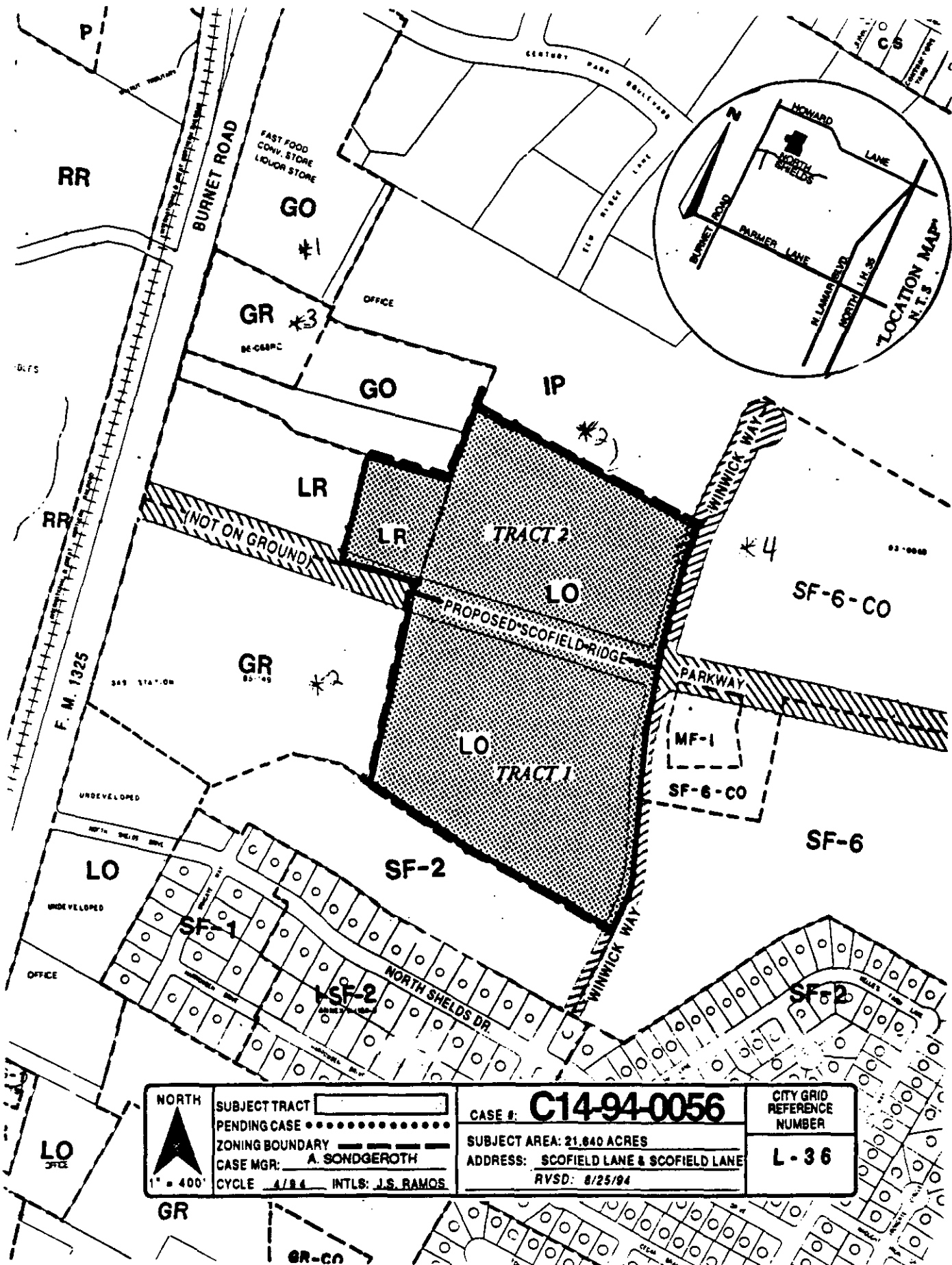
PASSED AND APPROVED:

November 3, 1994 §
 §
 §
 §
 §
 Bruce Todd
 Mayor

APPROVED: Michael J. Cosentino
 Michael J. Cosentino
 Acting City Attorney

ATTEST: Betty L. Brown, Deputy
 James E. Aldridge
 City Clerk

3Nov94
 ME/jj



"Exhibit A"

941103-K

Tract 1

**TRACT 43
FIELD NOTES**

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE FRANCISCO GARCIA SURVEY, SITUATED IN TRAVIS COUNTY, TEXAS, SAID TRACT OF LAND MORE PARTICULARLY DESCRIBED AS BEING 16.58 ACRES (722,224 SQUARE FEET) OF LAND OUT OF AND A PART OF THAT CERTAIN TRACT OF LAND CONVEYED TO MELLON PROPERTIES COMPANY, FOUND OF RECORD IN VOLUME 10399, PAGE 736, TRAVIS COUNTY, TEXAS DEED RECORDS, SAID TRACT OF LAND MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, in the north line of the James E. McCarn tract of land, found of record Volume 11590, Page 1400, of said Deed Records, at a point from which an interior ell corner bears N 54° 06' 00" W, 114.33 feet,

THENCE, N 15° 20' 00" E, 675.05 feet to the north interior ell corner of herein described tract,

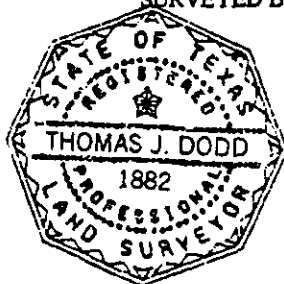
THENCE, S 74° 40' 00" E, 845.62 feet with northeast line of herein described tract,

THENCE, with the south line of herein described tract, the following five (5) courses and distances numbered 1 through 5,

1. S 15° 20' 00" W, 221.26 feet to a point at the beginning of a curve,
2. with a curve to the left having a radius of 550.00 feet, an arc length of 99.95 feet and whose chord bears S 10° 07' 38" W, 99.82 feet to a point,
3. S 04° 55' 15" W, 353.46 feet to a point at the beginning of a curve,
4. with a curve to the right having a radius of 410.00 feet an arc length of 182.00 feet, and whose chord bears S 17° 38' 16" W, 180.51 feet to a point,
5. S 30° 21' 17" W, 100.00 feet to a point, for the south corner of herein described tract,

THENCE, with the southwest line of herein described tract, the following two (2) courses and distances numbered 1 and 2,

1. N 59° 36' 57" W, 604.00 feet to a point,
2. N 54° 06' 00" W, 322.67 feet to the POINT OF BEGINNING containing 16.58 Acres (722,224 Square Feet) Of Land.



SURVEYED BY:

THOMAS J. DODD, R.P.L.S. NO. 1882
BRYSON & ASSOCIATES SURVEYING COMPANY, INC.
3401 Slaughter Lane West
Austin, Texas 78748
(512) 282-0170

Date

4-4-94

CEA 3226A 4/4/94

"Exhibit B"

941103-K

Tract 2

**TRACT 2
FIELD NOTES**

BEING ALL OF THAT CERTAIN TRACT OF PARCEL OF LAND OUT OF AND A PART OF THE FRANCISCO GARCIA SURVEY, SITUATED IN TRAVIS COUNTY, TEXAS, SAID TRACT OF LAND MORE PARTICULARLY DESCRIBED AS BEING 10.31 ACRES (449,103 SQUARE FEET) OF LAND OUT OF AND A PART OF THAT CERTAIN TRACT OF LAND CONVEYED TO MELLON PROPERTIES COMPANY, FOUND OF RECORD IN VOLUME 10399, PAGE 736, TRAVIS COUNTY, TEXAS DEED RECORDS, SAID TRACT OF LAND MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at the most southerly interior ell corner of the Robert Barstow tract of land, found of Record Volume 10830, Page 2020, Travis County, Texas Deed Records, same point being in the north line of herein described tract,

THENCE, N 23° 17' 55" E, 248.42 feet to a point, same being the most northerly interior ell corner of the herein described tract,

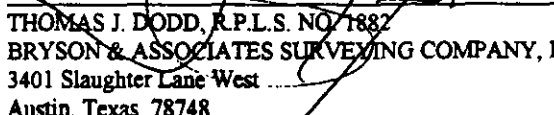
THENCE, with the east line of herein described tract, S 59° 15' 50" E, 855.90 feet to a point in the south line of herein described tract,

THENCE, S 15° 20' 00" W, 409.21 feet to a point, for the most southerly corner of herein described tract,

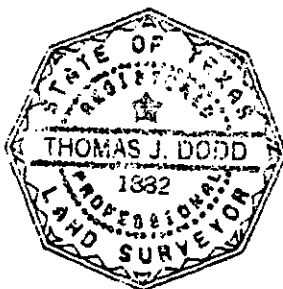
THENCE, N 74° 40' 00" W, 859.58 feet to a point,

THENCE, N 15° 20' 00" E, 390.51 feet to the POINT OF BEGINNING containing 10.31 Acres (449,103 Square Feet) Of Land.

SURVEYED BY:


THOMAS J. DODD, R.P.L.S. NO. 1882
BRYSON & ASSOCIATES SURVEYING COMPANY, INC.
3401 Slaughter Lane West
Austin, Texas 78748
(512) 282-0170

4-4-94
Date



CEA 3226C 4/4/94

"Exhibit C"

941103-K

Tract 2
(LR)

**TRACT 1
FIELD NOTES**

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE FRANCISCO GARCIA SURVEY, SITUATED IN TRAVIS COUNTY, TEXAS, SAID TRACT OF LAND MORE PARTICULARLY DESCRIBED AS BEING 2.36 ACRES (102,801 SQUARE FEET) OF LAND OUT OF AND A PART OF THAT CERTAIN TRACT OF LAND CONVEYED TO MELLON PROPERTIES COMPANY FOUND OF RECORD IN VOLUME 10399, PAGE 736, TRAVIS COUNTY, TEXAS DEED RECORDS, SAID TRACT OF LAND MORE FULLY DESCRIBED BY METES AND BOUND AS FOLLOWS:

BEGINNING, at the most southerly interior ell corner of the Robert Barstow tract of land, found of record Volume 10830, Page 2020, Travis County, Texas Deed Records, same point being the most easterly corner of herein described tract,

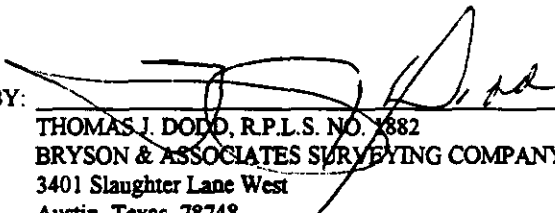
THENCE, S 15° 20' 00" W, 390.51 feet to a point,

THENCE, N 74° 40' 00" W, 263.62 feet to a point, for the most westerly corner of herein described tract,

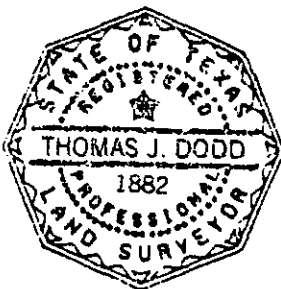
THENCE, N 15° 20' 00" E, 391.25 feet to a point, for the most northerly corner of herein described tract,

THENCE, S 74° 30' 20" E, 263.62 feet to the POINT OF BEGINNING containing 2.36 Acres (102,801 Square Feet) Of Land.

SURVEYED BY:


THOMAS J. DODD, R.P.L.S. NO. 1882
BRYSON & ASSOCIATES SURVEYING COMPANY, INC.
3401 Slaughter Lane West
Austin, Texas 78748
(512) 282-0170

4-4-94
Date



CEA 3226B 4/4/94

"Exhibit D"

941103-K

PO#: 941103-K

Ad ID#: BNKH01300

Acct #: 499-2499

Acct. Name: City Clerk's Office

Austin American-Statesman

AFFIDAVIT OF PUBLICATION

THE STATE OF TEXAS
COUNTY OF TRAVIS

Before me, the undersigned authority, a Notary Public in and for the County of Travis, State of Texas, on this day personally appeared:

Nancy Christofferson

Classified Advertising Agent of the *Austin American-Statesman*, a daily newspaper published in said County and State that is generally circulated in Travis, Hays, Burnet and Williamson Counties, who being duly sworn by me, states that the attached advertisement was published in said newspaper on the following dates, to wit:

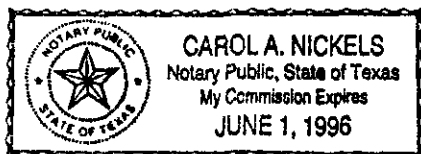
Date (s): November 25, 1994

Class: 9980 Lines: 40 Cost: \$82.40

and that the attached is a true copy of said advertisement.

Nancy Christofferson

SWORN AND SUBSCRIBED TO BEFORE ME, this the 28th day of Nov, 1994.



Carol A. Nickels

Notary Public in and for
TRAVIS COUNTY, TEXAS

Carol A. Nickels
(Type or Print Name of Notary)

My Commission Expires: 6/1/96